

Report Date: November 27, 2017

**United States District Court**

for the

**Eastern District of Washington**

**Petition for Warrant or Summons for Offender Under Supervision**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
**NOV 27 2017**  
SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Austin Baun Gavello                      Case Number: 0980 1:15CR02039-WFN-1  
Address of Offender:                      Deer Park, Washington 99006  
Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge  
Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge  
Date of Original Sentence: December 7, 2015  
Original Offense:              Theft of Government Property, 18 U.S.C. § 641  
Original Sentence:              Probation - 36 Months                      Type of Supervision: Probation  
Asst. U.S. Attorney:              Scott Jones                      Date Supervision Commenced: December 7, 2015  
Defense Attorney:              Roger Peven                      Date Supervision Expires: December 6, 2018

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**PETITIONING THE COURT**

To issue a warrant and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 03/31/2017, 04/10/2017, 04/19/2017 and 09/21/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number              Nature of Noncompliance

11              **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

**Supporting Evidence:** On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation. Specifically, that he shall refrain from any unlawful use of a controlled substance.

On November 15 and 16, 2017, Austin Gavello submitted urine specimens that were confirmed positive for methamphetamine. Additionally, he admitted to consuming methamphetamine on or about November 15, 2017.

12              **Standard Condition # 2:** The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

**Supporting Evidence:** On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation. Specifically, that he shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Austin Gavello has failed to submit his monthly supervision report for the month of October 2017.

- 13      **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation. Specifically, that he follow the instructions of the probation officer.

Pursuant to the order of the STEP Team, Austin Gavello was directed by the undersigned officer on November 20, 2017, to report to the Spokane Residential Reentry Center (RRC) on November 24, 2017, by 2 PM. He was directed verbally and provided with written instructions. Austin Gavello failed to report to the RRC as directed on November 24, 2017, and his current whereabouts are unknown.

- 14      **Standard Condition # 5:** The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.

**Supporting Evidence:** On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation. Specifically, that he work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.

Austin Gavello has failed to secure and maintain legitimate employment for the duration of his term of probation. He last reported working for Dynamic Decks in July 2017. However, by his own admission he was working "under the table."

- 15      **Special Condition # 17:** You shall be subject to a substance abuse evaluation, if necessary, and if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of the treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervision officer and treatment provider.

**Supporting Evidence:** On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation. Specifically, that he must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court.

Austin Gavello failed to attend his scheduled group treatment session on November 20, 2017, at Pioneer Human Services.

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**Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation. Specifically, that he abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Austin Gavello failed to report for urinalysis testing as directed on November 21, 2017, at Pioneer Human Services.

It is respectfully recommended that the Court issue a warrant and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 03/31/2017, 04/10/2017, 04/19/2017 and 09/21/2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/27/2017

s/Richard Law

Richard Law  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

  
Signature of Judicial Officer

11/27/17  
Date